

## THE GENEAU CASE AND A CALIFORNIA PARALLEL

Editor-Advertiser: There is some comment through the community on the nominal penalty inflicted by Judge De Bolt in the case of Geneau, convicted on a charge of murder, of manslaughter in the third degree. Some contend that when a jury has rendered a verdict of guilty that it is wrong for the court to nullify the decision of the jury by imposing a merely formal fine.

The judge heard the evidence, knew the character of the prisoner, was acquainted with the surroundings, and also knew the temper of the community—i. e., that there are many amongst us who believe in the scriptural penalty of "a life for a life," etc., and yet had the manhood to use his good judgment. Thank God, there are still some among us who dare act as men.

I am reminded of a case which was very similar to the Geneau case, where the judge did not have the manhood to stand up for his convictions and where a noble life was lost.

While I was acting clerk of the Superior Court of San Diego county, California, a man was tried for assault with a deadly weapon with intent to commit murder. The prisoner was a young Dalmatian, about twenty-two years of age. He had been discharged from a vessel and obtained work on the road way up in the county. He could not talk English and had neither money nor friends. He had much difficulty in procuring an interpreter, as the nearest he had was Italian, and he apparently knew but little of that language. It appeared that in the contracting gang on the road there was a party who neglected no opportunity to tease and annoy the young Dalmatian. For instance, at one time, when sharpening a knife on the grindstone, he said, "I am going to cut your heart out with this." In other ways and by such language as he knew the boy understood he picked on him. One night the boy was awakened by some one standing over him in the tent where the gang lived, saying, "if you don't stop your snoring I will cut your heart out," holding a knife in his hand while speaking.

The Dalmatian jumped out of his bunk and fled from the tent. He tripped over one of the guy ropes and fell on the axe, which he grasped and hurled back into the tent. Accidentally it struck his tormentor, who raised an outcry, whereupon the boy was pursued and arrested.

At the trial, being without means, the court deputed one of the fledgling lawyers to defend the accused. The injured or prosecuting witness did not put in an appearance, probably knowing that he was the most guilty of the two.

At that time San Diego county had a district attorney who believed it his duty to add as many scalps to his belt as possible, and sometimes, I am sorry to say, for purposes other than those for which his official oath called. In this instance he seemed to use his best powers to secure a conviction, or it may be that the weakness of his opponent made it appear so. If the lawyer for the defense had put his client on the stand there would have been apparently little testimony against him. However, the boy had a good jury, as good as Geneau had. While the jury was out the judge said to me, "I would rather some other judge were sitting here if that jury brings in a verdict of guilty." I said, "I would like to be sitting there." He asked, "What would you do in case they bring in a verdict of guilty?" "I would impose a fine of fifty cents and pay it out of my own pocket," I answered. He said, "You could not do that; it would not be in consonance with the verdict or the law." I said, "Are not you the judge of the suitability of the penalty; have you not heard the whole circumstances surrounding the affair, know the man, and his living in a land amongst strangers, with no one to speak to?"

In a little time the jury returned and rendered a verdict of "guilty" and with an urgent recommendation of the accused to the mercy of the court. The judge sentenced the boy to six months in the county jail without hard labor.

This, probably, was a very light sentence in any other case, but I felt that it was extremely cruel. The fine young fellow asked the sheriff for work and he was given a job to whitewash the walls. He whitewashed everything in sight, and when there was no further work he became very despondent and went insane and died.

I always looked on it as a judicial murder. The judge had already stretched the law by merely sending him to the county jail and making the sentence but six months, whereas, if the boy was really guilty, as charged, he should have had at least one year in the State prison.

JAS. W. GIRVIN.

## LUNALILO ANNIVERSARY

Tomorrow will be the birthday of the late King Lunalilo, and in honor of that occasion the Hawaiian Government Band will give a complimentary concert in the afternoon at the Lunalilo Home.

On the death of Kamehameha V. on December 11, 1872, there was no one to succeed him, the king, unfortunately, having failed to appoint a successor to the throne. The choice, therefore, devolved upon the legislature which was summoned to meet in four weeks, or in January, 1873. Prince William C. Lunalilo was generally considered to be the highest surviving chief by birth. His mother, Kekaulohi, had succeeded her half-sister, Kinau, in the office of kuhina nui, as being a niece and step-daughter of Kamehameha I. Lunalilo was also universally popular, both with natives and foreigners, from his amiable traits of character and his well-known liberal views. On December 17 he published an address to the Hawaiian people, requesting them to meet at the different polling places throughout the kingdom on January 1, 1873, and to cast a vote for the purpose of instructing their representatives as to their choice for king. A wave of popular enthusiasm swept over the group, and on New Year's day a larger vote than ever before was cast, almost unanimously, for Lunalilo. The legislature met on the appointed day and, in compliance with the expressed will of the people, elected Lunalilo king amid general rejoicing. The next day, in Kawaiahao Church, he took the oath to maintain the constitution of 1864 and delivered addresses to the people and to the legislature.

During Lunalilo's reign the cabinet made a determined effort to carry out the segregation law. This excited bitter opposition among a large portion of the people. It was considered a favorable juncture to renew negotiations with the United States for a treaty of commercial reciprocity, and it was proposed to offer to the United States the exclusive use of the harbor of Pearl River, as a coaling and repair station for its ships of war. This proposal gave rise to an extensive agitation, which intensified the suspicion and ill-feeling that already existed. In August the king's health began to decline rapidly, and at his request the negotiations were dropped.

On Sunday, September 7, the disaffection which had been brewing for sometime among the household troops broke out in open mutiny. They assaulted their drill-master, Captain Jajezay, an Austrian, and demanded that both he and the adjutant-general should be dismissed. The following night they dragged two cannons from the palace yard to the barracks, now occupied by the U. S. Quartermaster's Department, which they loaded with grapeshot. They then bade defiance to the authorities. A large part of the populace sympathized with the mutineers. A message was read to them from the King, who was then confined to his bed at Waikiki, and thirteen surrendered. The others held out and a siege was laid against the barracks, to starve them out. They finally surrendered and the corps was disbanded.

Soon after this affair the king removed to Kailua, Hawaii, to get a change of climate. He remained there several months but did not improve. On January 18, 1874, he returned to Honolulu and died here on February 3 of pulmonary consumption, after a reign of one year and twenty-five days.

By his will he left the bulk of his real estate to found a home for aged and poor Hawaiians. The building was opened in April, 1881, and is today a splendid monument to his memory. His tomb is in the churchyard of Kawaiahao.

## WORLD'S SUGAR PROSPECTS BY LATEST MAIL ADVICES

The following extracts are from Willett & Gray's circular dated New York, January 12:

**STATISTICS BY SPECIAL CABLES.**—Cuba.—The six principal ports: Receipts, 32,000; exports, 14,800 tons, stock, 44,500 tons, against 90,000 last year; 151 centrals grinding, against 101 last year.

This week's summary of the statistical position shows stocks in the United States and Cuba together of 120,361 tons, against 112,650 tons last week and 181,947 tons last year, a decrease of 61,586 tons from last year.

Europe.—Stock in Europe, 2,530,000 tons, against 3,166,000 tons last year.

Hamburg reports no shipments of raw or refined sugar to the United States this week.

**VISIBLE SUPPLY.**—Total stock of Europe and America, 2,659,361 tons, against 3,347,947 tons last year at the same uneven dates and 3,722,480 tons at the even date of Jan. 1st, 1904. The decrease of stock is 688,586 tons, against a decrease of 701,558 tons last week, and an increase of 209,885 tons January 1st, 1904. Total stocks and afloats, together, show a visible supply of 2,749,361 tons against 3,497,947 tons last year.

**RAWS.**—During the week under review, a further very important advance in price of sugar has been made, closing last week at 3 1-2 c. c. and f., or say 4 7-8 c. per lb. duty paid, the market closes this week, after a very heavy business in sugar for January-April shipment at 3 1-4 c. c. and f. for 96 degrees test Centrifugals with prices full up on all parcels for future delivery. Although the equivalent of this quotation, say 5 1-8 c. per lb. duty paid, has not yet been paid for spot or nearby sugars, the last bids for such having been at 5c. we placed our nominal quotations at 5c. for spot sugars, basis 96 degrees test. The cause of this sudden advance in the value of sugars here is again the result of the speculative influences at work on the sugar exchanges of Europe. The advances made there during the week have been much larger and more rapid than here but our buyers are forced to follow the lead, to a certain extent, or possibly the margin for shipment from Cuba to Europe might be so increased as to divert sugars from our home markets, which, of course, could not be allowed by our refiners under the current prospects of supply and demand. How much further Europe can force prices upward, from the speculative standpoint, is the uncertain factor in the situation. What has been done once may be done again, and once in years past we have seen sugars raised several shillings above present prices. However, we are not looking for such a contingency now, although it is possible it may happen.

It would seem advisable that a conservative view of the position should now be taken after so large an advance in Europe, which is not thus far met on this side by .20c. per lb., the difference in parity between beet and Centrifugal sugars.

Mr. F. O. Licht cables that there is no change in the crop situation to influence prices one way or the other, but the market has been strengthened by the report of a moderate increase in German consumption for December, instead of an expected decrease.

Beet futures are quoted at 16s. 3d. for May, 16s. 5d. for August and 12s. 1 1-2d. for October-December. Javas for June-July shipment are offered at 14s. c. and f.

We have reduced our estimates of the Philippine Islands crop from 145,000 to 120,000 tons, and of the Barbados crop from 56,000 to 40,000 tons.

At the close, a lot of Cuba Centrifugals, in the harbor, was sold at 5 1-16c., basis 96 degrees test, establishing this figure as the spot quotation.

**FUTURE SUPPLIES.**—Mr. Otto Licht estimates an increase of 15 per cent in the beet sowings of Germany this year, which would equal the sowings of 1901-02 campaign, and if based on the average yield of the last ten years, should produce a crop in that country 600,000 tons sugar larger than the output of this season.

The production in 1901-02 was 6,750,478 tons sugar for all Europe, the sowings and yield being the largest on record. With sowings this year as large as those of 1901-2, but based on an average yield, the next sugar crop of Europe should outturn 6,150,000 tons, or 1,405,000 tons more than the present beet crop.

**HAWAIIAN CONTRACT RENEWED.**—The contract now in force, covering deliveries to the American Sugar Refining Co. at the Atlantic ports, of sugars from nearly all the Hawaiian plantations, has just been renewed, for three years, from October 1st, 1905, with only minor changes. The terms of renewal of the contract for deliveries at San Francisco have not yet been arranged, the present contract not expiring until the opening of the next crop.

## TREE PLANTING IN URBAN AND SUBURBAN STREETS

At last meeting of the Kaimuki and Palolo Improvement Club the following paper by Mr. Haughts, of the forestry staff of the Board of Agriculture and Forestry, was read and ordered to be published:

Honolulu, T. H., Jan. 27, 1905.  
To the Members of the Kaimuki and Palolo Improvement Club, Honolulu.

Gentlemen: I herewith submit a few remarks on tree planting on streets and highways which may be of interest to you.

In the United States as well as European countries the planting of streets and highways with trees has been in force from time immemorial, and the subject has been debated in every town or village of any importance, so that now there is a well defined plan as regards the planting of trees on thoroughfares.

The subject of selecting the varieties most suitable for the different soils and locations, however, still remains a topic of local debate.

The trees mentioned on your list are the best obtainable for the district intended to be planted, and by following the general rules laid down in other countries on the arrangement of trees on streets and highways, the danger of failure or unfavorable criticism will be reduced to a minimum, if the trees are properly cared for after setting out.

Colonel William F. Fox, Superintendent, State Forests, New York.

that season are not so prevalent in streets and localities which are protected from the heat of the sun by large overhanging trees. At a meeting of the New York Medical Society a resolution was passed in which the opinion was expressed that "one of the most effective means for mitigating the intense heat of the summer months, and diminishing the death rate among children, is the cultivation of an adequate number of trees in the streets."

"The city of Washington is justly known as one of the most beautiful cities in America on account of the seventy thousand trees that adorn its streets; and there are many New England towns famed for their attractive appearance, due largely to the beautiful trees planted by village improvement societies. It is said that Paris has 80,000 shade trees, and that \$60,000 are expended annually in caring for them and planting additional ones. Both Washington and Paris have nurseries in which seedlings of desirable species are propagated with special reference to the requirements of street planting. Poorly developed plants or saplings are discarded, and only the straight, thrifty ones are selected for use on the city streets.

"In street planting care should be exercised to select species which, when fully grown, will be of a size suitable to the width of the street; and in making a choice only such should be selected as are best adapted to the peculiar conditions which influence their growth in cities. Some trees that can be safely used for road planting in the country are too susceptible to the deleterious influences of the smoke, dust, gas, and pavement of our towns.

"Along country roads or village streets, saplings transplanted from some neighboring grove or forest may be set out; but for city streets, nursery stock alone should be used. In fact, it would be better to buy nursery trees for village planting also, unless compelled to use the other for economical reasons. If one must go to the forest for young trees pains should be taken to obtain as straight, thrifty and perfect specimens as possible.

### ARRANGEMENT OF TREES ON STREETS.

"In street planting the trees should be placed with reference to the room they will need when fully grown, rather than with reference to the lot boundaries, otherwise there will be irregularity, overcrowding and unoccupied spaces. The average city lot is too narrow to permit a tree on each, and so the proper spacing on a block must be determined irrespective of the wishes of the property owners, each of whom might want a tree in front of his house. If a block is fully planted the trees on one side of the street should stand opposite the spaces on the other side. Planting at half distance, with the intention of removing every other tree in time, is sometimes done in order to obtain more shade at the start. But this plan is an objectionable one; the intermediate trees are seldom removed, and, in their crowded condition, become ill shaped and undersized. The arrangement is a doubtful expedient, even if the superfluous ones are removed at the proper time, for while the trees are small they afford neither beauty nor shade, no matter how closely they were planted. The only case in which intervals might be filled with advantage is in a row of old trees that have passed maturity and are nearing their end. In such a case time can be saved by planting young ones in the spaces, for when the old decaying trees fall the young ones will be well along toward replacing them. On residential streets where the houses stand well back from the fence line, with lawns or wide yards in front, the trees should not be placed at the curb, but inside the walk where they will be free from injury, obtain more moisture and afford an equally good shade.

"An avenue should be planted throughout its entire length with the same species, or, at least, for several blocks. By using one kind on a street a stately architectural effect is obtained that will always be pleasing and impressive. While variety may be desirable for its educational tendency it should not be permitted because of the irregular, unsightly appearance caused by trees of different sizes and shapes. Lamp posts, as well as trees, are deemed ornamental by many people; but no one would even think of erecting posts of different heights, size and appearance on the same street. The advantages of a variety are better secured by planting different species on different streets. A pleasing and advisable variation of this rule has been suggested by Mr. Lewis Collins, secretary of the Brooklyn Tree Planting Society—that at the intersection of wide streets an elm should be placed at each corner, an arrangement which would add rather than detract from the architectural appearance. A change of trees may be allowed on rural driveways where the irregularity of the scenery will better permit such an arrangement; but, even then, it is better to avoid abrupt, repeated changes by planting the same species for a considerable distance.

"Although every residential street should be well shaded, an exception may be made in commercial thoroughfares. The latter, in some instances, might be planted and thus rendered more attractive without interfering with business operations. In European cities the commercial streets often present a pleasing picture on account of the foliage, which also hides from view the marks of trade, while in Holland the wharves in some places are shaded by tall trees that mingle their branches and leaves with the yard arms and rigging of vessels unloading at the docks close by."

Special attention is called to Colonel Fox's remarks on the advisability of planting the same species for a considerable distance, rather than by too frequently introducing other kinds of trees.

In any planting which your club may do the Division of Forestry of the Board of Commissioners of Agriculture and Forestry, stands ready to co-operate so far as it may, by giving advice and by furnishing, free of charge,

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the trees to be used. In this connection Mr. Hosmer, the superintendent of forestry, wishes me to express to you his interest in the movement and assure you of his hearty support.

Very truly yours,  
DAVID HAUGHTS,  
Field Foreman.

## PLAN TO PROMOTE THE COFFEE TRADE

The difficulties which have so far confronted coffee growers on the Islands have not, except in isolated instances, been inherent in the industry itself, but rather in the lack of an appreciative market. Coffees, like teas, wines and other liquid beverages, require a cultivated taste, and all that is needed to acquire a market for all the coffee we can raise at fancy prices, is to teach the mainlanders to want Hawaiian coffee and none other. This should not be particularly difficult to do, as our coffee produces a delicious drink when properly made. A dozen coffee stands in each of a dozen cities, where pure Hawaiian coffee is properly advertised, and a first-class grade of Kona or Hawaiian coffee served at a moderate price would largely tend to give us the market we want, and once equipped and started, these coffee shops should be largely self supporting.—Maui News.

## THE ONLY COUGH MEDICINE FREE FROM POISON.

The Pharmacy Board of New South Wales, Australia, had an analysis made of all the cough medicines that were sold on the market. Out of the entire list they found only one that they declared was entirely free from all poisons. This exception was Chamberlain's Cough Remedy, which proves it to be the safest and best that can be had. It is especially recommended for coughs, colds, croup and whooping cough and may be given to the little ones with absolute security. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

Cards have been received announcing the marriage of Mrs. Franc Robbins Winslow to Mr. George Thomas Atchison on Thursday, December 22, at 764 Gilpin street, Denver, Colo., the home of the bride's mother. Mrs. Atchison was at one time a resident of Honolulu.